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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,535	07/23/2003	Tohru Kimura	02860.0748	6664

22852 7590 03/06/2007  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER
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HALEY, JOSEPH R

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/624,535

Applicant(s)

KIMURA ET AL.

Examiner

Joseph Haley

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9 and 12-17 is/are rejected.
- 7) ☒ Claim(s) 8, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9 and 12-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimura et al. (US 2003/0185134).

In regard to claims 1 and 17, Kimura et al. teaches an objective lens unit for converging a light flux onto an information recording plane of an optical information recording medium in an optical pickup apparatus (fig. 3), comprising: a first optical element arranged so as to be opposite to the optical information recording medium (L1); a second optical element arranged at a light source side of the first optical element so as to be opposite to the first optical element and including a ring-shaped structure in which plural ring-shaped zones are formed on at least one optical surface of the second optical element such that neighboring ring-shaped zones cause a predetermined optical path difference for incident rays (L2); wherein the first optical element comprises: a first optical element functional section (S4); and a first flange section integrally formed in one body around the first optical functional section (see M see also paragraph 404), wherein the second optical element comprises: a second

optical functional section (S1); and a second flange section integrally formed in one body around the second optical function section, and wherein the first flange section and the second flange section come in contact with each other and are formed so as to fix the first and second optical elements at predetermined respective relative positions (see M and paragraph 404).

In regard to claim 2, Kimura et al. teaches wherein the first and second lens are plastic (paragraph 50).

In regard to claim 3, Kimura et al. teaches  $|P2/P1| < .2$  (see paragraph 409 line 4).

In regard to claim 4, Kimura et al. teaches the neighboring ring-shaped zones are formed to displace relatively in an optical axis direction so as to cause the predetermined optical path difference (fig. 3a).

In regard to claim 5, Kimura et al. teaches the ring-shaped structure is a diffractive structure to diffract an incident ray (fig. 3a).

In regard to claim 6, Kimura et al. teaches the ring-shaped structure corrects a chromatic aberration caused by the first optical element (see paragraph 24).

In regard to claim 7, Kimura et al. teaches a used wavelength is 500 nm or less (see paragraph 29).

In regard to claim 9, Kimura et al. teaches an image side numerical aperture is .75 or more (see paragraph 51).

In regard to claim 12, Kimura et al. teaches the first optical element is a refractive lens (see paragraph 53 line 17).

In regard to claim 13, Kimura et al. teaches wherein the ring-shaped structure is formed on an aspherical surface (paragraph 63).

In regard to claim 14, Kimura et al. teaches the flange section of the first optical element and the flange section of the second optical element are shaped to fit and come in contact with each other so that the first and second optical elements are fixed at the predetermined respective relative positions (see fig. 3 element M).

In regard to claim 15, Kimura et al. teaches an optical pickup apparatus comprising: the objective lens unit described in claim 1 (fig. 4).

In regard to claim 16, Kimura et al. teaches an optical information recording and/or reproducing apparatus, comprising: the optical pickup apparatus described in claim 15 (fig. 4).

#### ***Allowable Subject Matter***

Claims 8, 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

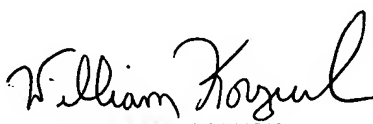
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

Art Unit: 2627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WILLIAM KORZUCH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600